

¹ The record on appeal contains evidence received after the Office issued the March 9, 2005 decision. The Board may not consider evidence that was not before the Office at the time it rendered its final decision. 20 C.F.R. § 501.2(c). Appellant may submit such evidence to the Office with a request for reconsideration.

FACTUAL HISTORY

On January 19, 2005 appellant, a 34-year-old patient services assistant, filed an occupational disease claim for headaches, severe neck pain, numbness and probable carpal tunnel syndrome. He identified February 6, 2004 as the date of injury and December 7, 2004 as the date he first realized his condition was employment related. Appellant did not submit any medical evidence with his claim.

On January 25, 2005 the Office requested that appellant submit additional evidence, including a detailed description of the employment-related activities he believed contributed to his condition. The Office also requested information concerning appellant's past medical history and a comprehensive medical report from his treating physician describing his current medical condition and its cause. The Office afforded appellant 30 days to submit the requested factual and medical information. Appellant did not respond within the allotted timeframe.

On March 9, 2005 the Office issued a decision denying appellant's claim because he failed to establish that he sustained an injury.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of her claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.³

To establish that an injury was sustained in the performance of duty, a claimant must submit: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁴

² 5 U.S.C. § 8101 *et seq.*

³ 20 C.F.R. § 10.115(e), (f) (2005); *see Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996). Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence. *See Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors. *Id.*

⁴ *Victor J. Woodhams*, *supra* note 3.

ANALYSIS

At the time the Office issued its decision on March 9, 2005, the record was devoid of any factual or medical information that would support appellant's assertion that he injured himself while in the performance of duty. There is no evidence regarding the type of employment activities he performed prior to allegedly experiencing pain in his neck and head. Furthermore, there is no evidence documenting an employment-related medical condition. Appellant indicated that he probably had carpal tunnel syndrome and claimed to have experienced neck pain, headaches and numbness.

In this case, appellant did not provide the required factual and medical evidence necessary to establish a *prima facie* claim for compensation benefits under the Act.⁵ Accordingly, appellant has failed to establish that he sustained an injury in the performance of duty.

CONCLUSION

The Board finds that appellant failed to establish that he sustained an injury in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the March 9, 2005 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 2, 2005
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

⁵ See Richard A. Weiss, 47 ECAB 182 (1995).